

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

L.V. individually and on behalf of J.V.2

Plaintiffs,

Time Records and Notes pertaining
to Preliminary Injunction
Oroma Mpi-Reynolds, Esq.

-against-

Civil Action, File No.
19-cv-5451 (AT) (KHP)

NEW YORK CITY DEPARTMENT OF EDUCATION,
Defendant.

PRELIMINARY INJUNCTION

May 17, 2020

0.6 hours

Update legal research on legal standard for preliminary injunction claims, read and take notes on federal case.

May 20, 2020

0.2 hours

Speak with Parent regarding Magistrate's Order on Motion to Substitute Counsel and Parent's desired outcomes in litigation.

May 21, 2020

0.1 hours

Review of article forwarded by Parent with respect to impact of a state executive order on the education of students with autism, send preliminary response to Parent.

May 22, 2020

0.3 hours

Draft and submit extensive advisory memo to Parent regarding options with respect to addressing pendency claims.

May 22, 2020

0.4 hours

Review federal court decision concerning pendency for iBrain and particularly the issue of irreparable harm and exhaustion of administrative remedies.

May 26, 2020 0.3 hours

Discuss interjecting motion for preliminary injunctive relief in pending District court action.

May 27, 2020 0.6 hours

Shepardize *J.Z. v. N.Y.C. Dep't of Educ* to read (0.1), begin detailed analysis of legal standard in pendency enforcement at the District court level (0.5).

June 17, 2020 0.1 hours

Receipt and review of emails relating to Department's request to schedule device troubleshooting session.

June 17, 2020 0.3 hours

Back-and-forth discussion regarding iPad device issue.

June 18, 2020 0.8 hours

Perform legal research on use of escrow account for compensatory services fund (0.3), draft and propose similar language for potential stipulation (0.4), send *Streck v. Bd. of Educ.* case to Law Department Attorney (0.1).

June 19, 2020 0.3 hours

Receipt and review of email correspondence from Law Department Attorney asking for template as opposed to new proposed wording on escrow account and send brief response (0.1), draft and submit correspondence to Parent's original attorney along with Parent's authorization to discuss escrow account issue (0.2).

June 19, 2020 0.2 hours

Telephonic meeting with Parent's original attorney to discuss escrow account issue.

June 24, 2020	0.7 hours
Hold telephone conference with Parent regarding discussion on settlement terms, Motion for Injunctive Relief, and Case Status letter for the Court.	
June 24, 2020	1.3 hours
Draft Application for Emergency Relief seeking in-person instruction and services or alternatively a fund from which the Parent can pay for private providers who are available to conduct in-person instruction and services (1.3).	
June 24, 2020	1.8 hours
Draft outline of Declaration of Parent in Support of Emergency Relief (1.1), and draft Declaration of Plaintiffs' Attorney (0.7).	
June 24, 2020	0.4 hours
Send notification to Law Department's Attorney regarding impending application for Emergency Relief (0.1), review response from Law Department's Attorney (0.2) and reply (0.1).	
June 24, 2020	0.2 hours
Receipt and review of electronic message from Parent inquiring as to status of Application for Emergency Relief (0.1), send response (0.1).	
June 25, 2020	1.8 hours
Draft Memorandum of Law in Support of Application for Emergency Relief.	
June 25, 2020	0.3 hours
Draft and submit advisory memorandum to Parent regarding requested application for emergency relief along with attached drafts of filing paperwork.	
June 25, 2020	1.0 hours

Exchange electronic communication with Parent regarding Parent's response to client advisory memorandum (0.1), telephone conference to discuss timeline for filing application for emergency relief and Case Status letter (0.3), receipt and review of electronic communication from Parent regarding outline L.V. Declaration in Support of Application for Emergency Relief (0.1), telephone conference with Law Department Attorney concerning status of settlement talks in light of impending application for emergency relief (0.5).

June 25, 2020

0.6 hours

Following receipt of Parent's confirmation of Declaration, add digital signature on behalf of Parent (0.1), place Declaration of Parent and of Attorney, Memorandum of Law, and Application plus Cover Memorandum into final form upon making final adjustments as necessary for filing (0.5).

June 25, 2020

0.5 hours

Receipt and review of Case Status Update Letter to the Court drafted by Law Department Attorney, add paragraph regarding impending application for emergency relief and submit to Parent for review (0.2), respond to Law Department Attorney with courtesy copy of papers and message regarding nature of application and possible resolution during Settlement Conference (0.1), file motion to Stay/Application for Emergency Relief on ECF along with accompanying papers (0.2).

June 25, 2020

0.2 hours

Review and receipt of inquiry from Parent regarding injunction and respond with explanation of emergency relief that is injunctive in nature.

June 25, 2020

0.2 hours

Advisory memorandum on next steps in settlement process, including hearing on emergency relief.

June 26, 2020

0.3 hours

Receipt and review of email from Parent inquiring about hearing on emergency relief application, and separate email regarding extension of time for Department's response to application (0.1), send response (0.2).

July 3, 2020

0.5 hours

Receipt and review of inquiry from Parent regarding email attachments, respond and follow up with question on emergency relief remedy (0.1), review Parent's response and send Parent legal advice regarding available private providers (0.1), after researching private providers online (0.3).

July 4, 2020

1.6 hours

Begin drafting Judge's Settlement Conference Form in accordance with the Judge's rules by listing Plaintiffs' claims and Defendant's defenses (0.4), drafting section pertaining to relief in the form of preliminary and permanent injunction (0.3), Independent Assistive Technology evaluation (0.2), and alternative claim or Escrow or Trust account (0.7).

July 6, 2020

0.1 hours

Continue preparing Judge's Settlement Conference Form, making adjustment to section on the Independent Assistive Technology evaluation request.

July 8, 2020

0.1 hours

Correspond with Parent regarding Facebook screenshots containing potentially relevant discussion.

July 8, 2020

0.4 hours

Send Law Department Attorney series of three email correspondences containing Facebook screenshots with relevant information with an offer for settlement talks (0.2), exchange correspondence with Law Department Attorney regarding Parent's list of preferred providers of in-person instruction and related services (0.2).

July 8, 2020

1.6 hours

Review ECF summary of decision on motion for emergency relief and forward to Parent (0.3), receipt and review of Parent's inquiry as related to decision on motion (0.1), review 14-page Report and Recommendation of the Magistrate Judge and submit advisory and explanatory memorandum to Parent (1.2).

July 9, 2020

0.3 hours

Draft advisory memorandum in response to Parent's inquiry regarding disagreement with Magistrate's Report.

July 10, 2020

0.2 hours

Receipt and review of inquiry from Agency Attorney for additional information about qualifications of private providers identified by the Parent (0.1), draft and submit response and include identified evaluator for independent assistive technology evaluation (0.1).

July 11, 2020

0.5 hours

Consultation with pediatric physician regarding extent of damages to cognitive functioning of children.

July 15, 2020

0.9 hours

Draft client advisory memorandum to Parent outlining status of emergency relief (0.7), review and revise memorandum for legal accuracy and support and place in final form before submitting to Parent (0.2).

July 16, 2020

0.4 hours

Receipt and review of email correspondences from Parent regarding emergency relief and Case Coordinator stipulation (0.1), review of correspondence between Parent and DOE PT Supervisor and website of school-based PT resources forwarded by DOE PT Supervisory to Parent (0.2), review and respond to email from Parent regarding transportation issue with Implementation Office (0.1).

July 17, 2020

0.5 hours

Receipt and review of Parent's preferred transportation provider to Director of Impartial Hearing Implementation Unit and forward to Law Department Attorney (0.1), receipt and review of Parent's email regarding DOE's noncompliance with Magistrate's Report (0.1), review and respond to email from Agency Attorney regarding consent and transportation for in-person assistive technology evaluation and forward to Parent and review response (0.2), review email from DOE PT Supervisor regarding services arrangements and delivery (0.1).

July 17, 2020

0.3 hours

Receipt and review of ECF email containing highlight of Judge Torres' decision on preliminary injunction motion (0.1), review full decision (0.1), forward ECF email to Parent (0.1).

July 19, 2020

0.1 hours

Receive and respond to email from Parent pertaining to bank of hours versus emergency relief.

July 20, 2020

0.6 hours

Receipt and review of email correspondence from Parent relating to her response to Law Department's update letter (0.1), receipt and review of email correspondences between Parent and Executive Director of the CSE (0.1) and email correspondences between the Director of Impartial Hearing Implementation Unit and Parent (0.1), receipt and review of email from Law Department Attorney regarding assistive technology evaluation and forward to Parent for her review and response (0.1), receipt and review of email from ABA provider pertaining to services and hours available and advisory email from Law Department Attorney and forward to Parent (0.2).

July 20, 2020

0.3 hours

Receipt and review of email correspondence from Law Department Attorney pertaining to Parent's selected travel aide (0.1), respond posing inquiry to Law Department Attorney with copy to Agency Attorney regarding Parent's request to serve as travel aide, akin to parental reimbursement for mileage, etc. (0.1), receipt and review of response from Law Department Attorney (0.1).

July 21, 2020

0.2 hours

Send email correspondence to Law Department Attorney and Agency Attorneys regarding Parent's rejection of an AA2 evaluation or one in which the DOE has input into final draft of report.

July 21, 2020

0.1 hours

Prepare outline of new version of letter to Magistrate Judge adding points on AT evaluation (0.1).

July 22, 2020

0.2 hours

Receipt and review of email from Law Department Attorney regarding missed services, forward to Parent with cover note for explanation and update.

July 22, 2020

0.3 hours

Attempt call to Parent (0.1), receipt and review of screenshot forwarded by Parent from service provider Leap (0.1), send email correspondence to Law Department Attorney with update on outreach attempts to Parent regarding attendance at service site (0.1).

July 22, 2020

0.2 hours

Receipt and review of email from Parent regarding tomorrow's services, child care, etc. and advise Law Department Attorney to cancel services (0.1), receipt and review of Law Department Attorney's email inquiring about child care arrangements and reach out to Parent accordingly (0.1).

July 23, 2020

0.6 hours

Receipt and review of inquiry pertaining to DOE compliance with emergency order (0.1), include within advisory memorandum additional advice and counsel regarding outstanding issues for upcoming Settlement Conference including child care arrangements including acceptance of babysitting funds, attendance at service site, Travel Aide (0.5).

July 24, 2020

1.2 hours

Conduct legal research on Parent's entitlement to compensation for expenditure of time in providing special transportation services.

July 24, 2020

1.0 hours

Draft status update letter for the Court regarding Magistrate Judge's action items, including travel aide and reimbursement to Parent for expenditures of time in provision of transportation services.

July 26, 2020

0.1 hours

Send update on travel aide to Law Department Attorney.

July 27, 2020

0.3 hours

Receipt and review of email correspondence from Law Department Attorney regarding Student's attendance at services (0.1), review draft case status letter and include portion of letter relating to P.S. 48 REC Center's availability and Parent's lack of child care and submit to Law Department Attorney and Agency Attorney (0.2).

July 27, 2020

0.1 hours

Send electronic message to Parent regarding Student's attendance today at services.

July 27, 2020

0.1 hours

Participate in Settlement Conference with Magistrate Judge and Law Department Attorney regarding travel aide.

July 27, 2020

0.1 hours

Draft and submit advisory memorandum advising Parent of status of negotiations post-Conference and action items for discussion and completion, namely obtaining the travel aide's W-9.

July 27, 2020

0.1 hours

Forward W-9 form to Parent for travel aide's completion per Magistrate Judge's direction at Settlement Conference for purposes of complying with upcoming status request.

FEE REQUESTED FOR PRELIMINARY INJUNCTION CLAIM

Number of Hours: 26.5

Federal Court Hourly Rate: \$450

Total: \$11,925

10% reduction for exercise of 'billing judgment': - \$1,192.50

Total Amount: \$10,732.50

Dated: September 17, 2020

Affirmed under penalty of perjury,

s/

OROMA HOMA MPI-REYNOLDS